

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ALLEN ALPHONZO ADAMS,

Plaintiff,

v.

DR. BURNSIDE

Defendant.

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CIVIL ACTION NO. 1:13-CV-8 (MTT)

ORDER

Before the Court is Plaintiff Allen Alphonzo Adams's second Motion for Leave to File an Interlocutory Appeal (Doc. 16), Motion for Leave to Appeal In Forma Pauperis (Doc. 20), and third Motion for Leave to File Interlocutory Appeal (Doc. 22). The Plaintiff seeks to appeal the Court's March 18, 2013 Order adopting the Magistrate Judge's Report and Recommendation and dismissing all claims except the Plaintiff's Eighth Amendment claims against Dr. Burnside. The Plaintiff also seeks to appeal the Magistrate Judge's April 16, 2013 Order denying his Motion to Appoint Counsel.

28 U.S.C. § 1291 provides that the courts of appeals have jurisdiction over "appeals from the final decision of the district courts of the United States." The Court's March 18, 2013 Order and the Magistrate Judge's April 16, 2013 Order are not final and appealable because neither resolved all claims against all parties. *Supreme Fuels Trading FZE v. Sargeant*, 689 F.3d 1244, 1246 (11th Cir. 2012).

To the extent that the Plaintiff seeks an interlocutory appeal, 28 U.S.C. § 1292(b) provides:

When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order

The Court's March 18, 2013 Order and the Magistrate Judge's April 16, 2013 Order do not involve "controlling question[s] of law as to which there is substantial ground[s] for difference of opinion" and immediate appeals of these orders would not "advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b).

Accordingly, the Plaintiff's Motions for Leave to File an Interlocutory Appeal are **DENIED**. (Docs. 16 and 22). Further, because the Court has denied the Plaintiff leave to seek an interlocutory appeal, his Motion for Leave to Appeal In Forma Pauperis is **denied as MOOT**. (Doc. 20)

SO ORDERED, this 9th day of May, 2013.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT